

REMARKS/ARGUMENTS

The amendments set out above and the following remarks are responsive to the points raised by the Office Action dated November 3, 2009. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The Pending Claims

Claim 1 is amended to include the limitations of claim 14, which has been cancelled. Claim 7 is also cancelled. Claim 29 is amended to describe the invention more clearly. No new matter is added, and support for the amended claim language may be found in the original specification, claims, and drawings. Support for claim 29 may be found in the specification at, e.g., page 21, line 5. Claims 1-6, 8-13, 15-46 and 49 are pending.

Allowable Subject Matter

The Applicants are pleased to note that the Office Action indicates that claims 15, 24, 25, 31, 32, 36, 37, 39, 42, 43, 45, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Office Action

Claims 1-3, 5-9, 12, 13, 18, 19, 22, 23, 27, 29, 33, 41, and 46 were rejected under 35 U.S.C. § 102 as anticipated by, or in the alternative, under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,030,520 to Dziewinski et al. (hereinafter, “Dziewinski”).

Claims 29, 33, 40, 41 and 46 were rejected under § 102 as anticipated by Dziewinski.

Claims 29 and 30 were rejected under § 102 as anticipated by U.S. Patent No. 5,951,869 to Heskett (hereinafter, “Heskett”).

Claims 34, 38, and 44 were rejected under 35 U.S.C. § 103 as unpatentable over Dziewinski.

Claim 35 was rejected under § 103 as unpatentable over Dziewinski as applied to claim 33 and further in view of Heskett.

Each of these rejections is separately and respectfully traversed. However, in order to expedite matters and allow the application to pass to issuance quickly, claim 1 is amended to include the limitations of claim 14, which was not discussed as rejected over any prior art in the Office Action. Accordingly, it is believed that this amendment to independent claim 1 places claim 1 in condition for allowance.

It is noted that although the Office Action Summary page indicates that claims 4, 10-11, 14, 16-17, 20-21, 26, and 28 are rejected, none of these claims are discussed as rejected over any prior art in the Detailed Action section of the Office Action. In a telephone conversation between the Applicants' representative and Examiner Allen on November 4, 2009, which was held to clarify this issue, Examiner Allen indicated that claims 14, 16-17, and 28 "probably" should have also been indicated to be allowable. Accordingly, it is believed that this amendment obviates all outstanding rejections to independent claim 1 and places claim 1 in condition for allowance.

Even assuming, *arguendo*, that amended claim 1 is not in condition for allowance, it is noted that because claims 4, 10-11, 14, 16-17, 20-21, 26, and 28 do not have any current rejections, any subsequent Office Action cannot be made final.

Independent claim 29 is also amended to recite that the zinc is in the form of chips. Neither Dziewinski nor Heskett discloses or suggests a device for chemically treating a liquid medium loaded with nitrates and with a pH less than 4, comprising, *inter alia*, at least one zinc layer, wherein the zinc is in the form of chips, as claimed in amended independent claim 29. As explained in the specification, zinc chips provide an advantage over zinc powder in that zinc chips prevent the presence of suspended zinc particles in the solution to be treated (specification, page 13, lines 13-14). Because neither Dziewinski nor Heskett discloses or suggests a device comprising zinc in the form of chips, claim 29 is also patentable over the cited references.

Since independent claims 1 and 29 are allowable for the reasons set forth above, the dependent claims are also allowable because they depend from and include the limitations of the allowable independent claims.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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Amendment or ROA - Regular (SML/mlg)